

CJ-2021-2613



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUN 17 2021

MICHAEL L. USELTON and
NICHOLE D. USELTON,

Plaintiffs,

vs.

EXPEDITED LOGISTICS AND FREIGHT
SERVICES, LLC; and JOSE S. COREAS,

Defendants.

RICK WARREN
COURT CLERK

38

Case No.

CJ • 2021-2613

PETITION

Plaintiffs state:

COUNT I

1. Plaintiff Michael L. Uselton is a resident of the State of Oklahoma.
2. Plaintiff Nichole D. Uselton is a resident of the State of Oklahoma.
3. Upon information and belief, Defendant Expedited Logistics & Freight Services, LLC ("Defendant ELFS") is a limited liability company that can be served with service of process in Oklahoma County.
4. Upon information and belief, Defendant Jose S. Coreas ("Defendant Coreas") is a resident of the State of Texas.
5. On September 8, 2020, at approximately 11:38 a.m., Plaintiff Michael L. Uselton drove a semi-tractor trailer eastbound on State Highway 7 near its intersection with North County Road 3270 near Davis, Oklahoma, Murray County.
6. At the aforementioned date and time, Defendant Coreas, the agent, servant, and/or employee of Defendant ELFS, and while acting within the scope and course of his agency and/or

employment and while driving a semi-tractor trailer furnished to him by Defendant ELFS, traveled eastbound on State Highway 7, missed his turn, and stopped on the outside shoulder of eastbound Highway 7.

7. Defendant Coreas reversed his semi-tractor trailer westbound on the shoulder of eastbound State Highway 7, reentered the eastbound lanes of State Highway 7, blocked all eastbound lanes of State Highway 7, and caused a collision with the semi-tractor trailer operated by Plaintiff Michael L. Uselton.

8. The collision resulted from Defendants' negligence as follows:

- a. Defendant Coreas was traveling at an unsafe speed on the roadway.
- b. Defendant Coreas failed to keep a proper lookout.
- c. Defendant Coreas failed to maintain proper control over the semi-tractor trailer.
- d. Defendant Coreas failed to devote his full time and attention to his driving and violated 47 O.S. § 11-901b.
- e. Defendant Coreas failed to maintain proper control over his semi-tractor trailer at a time when Defendant Coreas knew, or should have known, that without such control persons, including Plaintiff, were likely to be injured.
- f. Defendant Coreas reentered the eastbound lanes of State Highway 7 at a time when such a maneuver could not be made with reasonable safety.
- g. Defendant ELFS authorized and furnished a semi-tractor trailer to Defendant Coreas at a time when it knew or should have known Defendant Coreas was

not a careful, safe, or competent driver and as a result thereof, persons, including Plaintiffs, were likely to be injured.

- h. Defendant ELFS negligently hired, screened, retained, trained and/or instructed Defendant Coreas with regards to the operation of its semi-tractor trailers and his required compliance with state and federal laws.

9. As a result of Defendants' negligence, Plaintiff Michael L. Uselton suffered personal injuries. Said injuries are permanent, painful and progressive. When injured, Plaintiff Michael L. Uselton was 47 years old with a life expectancy of 32.28 years. As a further result of Defendants' negligence, Plaintiff Michael L. Uselton has and will incur medical expense, has and will suffer pain of mind and body, has and will lose wages, will be permanently disabled and his earning capacity reduced in an amount in excess of \$75,000.00.

COUNT II

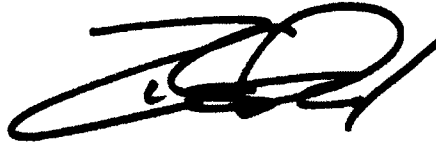
10. Plaintiff Nichole D. Uselton for Count II repleads the allegations stated herein in Count I and further states that she is the wife of Michael L. Uselton and has and will be deprived of her husband's services, companionship, and consortium. Plaintiff Nichole D. Uselton has been damaged in an amount in excess of \$75,000.00.

COUNT III

11. Plaintiffs for Count III repleads and realleges the allegations of Counts I-II stated herein and further states that the acts of Defendants were gross, wanton, willful and/or intentional for which punitive damages should be assessed in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiffs prays judgment against Defendants in an amount in excess of \$75,000.00, together with attorney fees, interest and costs of this action.

Respectfully submitted,



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